

[Committee Print]

(Reflecting the actions of the Subcommittee on Health on
March 19, 2009)

111TH CONGRESS
1ST SESSION

H. R. 1377

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

A BILL

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR RE-**
2 **IMBURSEMENT BY SECRETARY OF VETERANS**
3 **AFFAIRS FOR EMERGENCY TREATMENT FUR-**
4 **NISHED IN A NON-DEPARTMENT FACILITY.**

5 (a) EXPANSION OF ELIGIBILITY.—Section 1725 of
6 title 38, United States Code, is amended—

7 (1) in subsection (b)(3)(C), by striking “or in
8 part”; and

9 (2) in subsection (f)(2), by striking subpara-
10 graph (E).

11 (b) LIMITATIONS ON REIMBURSEMENT.—Subsection
12 (c) of such section is amended by adding at the end the
13 following new paragraph:

14 “(4)(A) If the veteran has contractual or legal re-
15 course against a third party that would only, in part, ex-
16 tinguish the veteran’s liability to the provider of the emer-
17 gency treatment, and payment for the treatment may be
18 made both under subsection (a) and by the third party,
19 the amount payable for such treatment under such sub-
20 section shall be the amount by which the costs for the
21 emergency treatment exceed the amount payable or paid
22 by the third party, except that the amount payable may
23 not exceed the maximum amount payable established
24 under paragraph (1)(A).

1 “(B) In any case in which a third party is financially
2 responsible for part of the veteran’s emergency treatment
3 expenses, the Secretary shall be the secondary payer.

4 “(C) A payment in the amount payable under sub-
5 paragraph (A) shall be considered payment in full and
6 shall extinguish the veteran’s liability to the provider.

7 “(D) The Secretary may not reimburse a veteran
8 under this section for any copayment or similar payment
9 that the veteran owes the third party or for which the vet-
10 eran is responsible under a health-plan contract.”.

11 (c) EFFECTIVE DATE.—

12 (1) IN GENERAL.—The amendments made by
13 subsections (a) and (b) shall take effect on the date
14 of the enactment of this Act, and shall apply with
15 respect to emergency treatment furnished on or
16 after the date of the enactment of this Act.

17 (2) REIMBURSEMENT FOR TREATMENT PRO-
18 VIDED BEFORE EFFECTIVE DATE.—The Secretary
19 may provide reimbursement under section 1725 of
20 title 38, United States Code, as amended by sub-
21 sections (a) and (b), for emergency treatment fur-
22 nished to a veteran before the date of the enactment
23 of this Act, if the Secretary determines that, under
24 the circumstances applicable with respect to the vet-
25 eran, it is appropriate to do so.